

The opinion in support of the decision being entered today
was *not* written for publication and
is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JACQUES H. HELOT and MASAHIKO MURANAMI

Appeal No. 2007-0369
Application No. 09/439,626
Technology Center 3600

Decided: February 28, 2007

Before MURRIEL E. CRAWFORD, ROBERT E. NAPPI and
ANTON W. FETTING, *Administrative Patent Judges*.

NAPPI, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 of the final
rejection of claims 29 through 48. For the reasons stated *infra* we will not
sustain the Examiner's rejection of these claims.

INVENTION

The invention is directed to a system for ordering consumer items which contain many options (e.g. a computer, with options concerning installed components). The system makes use of an interface that allows the user to select options; once the user selects an option, the interface updates the display of other options to indicate which are available and unavailable based upon the prior selection. See pages 4 and 5 of Appellants' specification. Claim 29 is representative of the invention and is reproduced below:

29. A computer-implemented ordering system, comprising:
an interface adapted to provide a representation of a consumer
item and an option associated with the consumer item; and
a presentation module adapted to provide a real-time preview
representation of the consumer item updated with the option in
response to a user clicklessly positioning a cursor over an icon
corresponding to the option, the presentation module adapted to
indicate to the user unavailability of at least one other option
associated with the consumer item based on the update to the
consumer item.

REFERENCES

The references relied upon by the Examiner are:

Fisher US 6,331,858 B2 Dec. 18, 2001
(effective filing date Jun. 2, 1998)
Taylor, "Java Script Image Rollovers", web page article¹,
Webmonkey, Dec. 4, 1996

¹ webmonkey.wired.com/webmonkey/html/96/49/index21.html

REJECTION AT ISSUE

Claims 29 through 48 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fisher in view of Taylor. The Examiner's rejection is set forth on pages 3 and 4 of the Answer. Throughout the opinion we make reference to the Briefs and the Answer for the respective details thereof.

DISCUSSION

Appellants argue that Fisher does not disclose or suggest indicating the unavailability of at least one other option associated with the consumer item as recited in the independent claims. Rather, Appellants assert that Fisher does not disclose any other option which depends upon the option selected. See page 6 of the Brief.

In response the Examiner states that the other option is texture data. Further the Examiner states, on page 6 of the Answer:

The texture data is mapped one-to-one with the fabrics, but there are many of them and they are options. There are no limitations in the claim language that limit the other option from being dependent upon the original option. As far as indicating, there will be a message and there will be no 3D image (another form of indicating) because the texture data was not available.

The Appellants rebut the Examiner's rationale, on page 5, of the Reply Brief, arguing that the "texture data" of Fisher does not represent an option as the user has no control to select a texture to be applied to the selected fabric.

We disagree with the Examiner's rationale. Claim 29, recites an "interface adapted to provide a representation of a consumer item and an option associated with the consumer item." Claim 29 further recites a "presentation module adapted to indicate to the user unavailability of at least one other option associated with the consumer item based on the update to the consumer item." Independent claims 36 and 42 contain similar limitations. The term "option" is not defined in the Appellants' specification. However, the term is used on pages 5 and 6 of Appellants' specification to identify choices the user has available. Thus, the scope of claim 29 is that a consumer is provided a representation of a consumer item which represents a choice the consumer has made about the item. Further, the interface identifies to the user other choices which are unavailable based upon the earlier made choices.

Fisher teaches a system, which allows a consumer to view some products, such as furniture and drapes, manufactured with different fabric covering. See Abstract. When the user selects the icon adjacent the fabric swatch, a representation of either the furniture or drapes, in the selected fabric, is shown. See column 4, lines 31 through 36. Fisher teaches that the availability or unavailability of certain fabrics is displayed. See figure 3, note that fabric swatch S1 has the icon of a chair and curtain (indicating availability of both products made with the fabric) where as swatch S2 only

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has the icon of a curtain (indicating the unavailability of covering a chair with the fabric). Fisher, does not identify that once the fabric is selected, there are other options which may be selected, and thus we do not find that Fisher teaches displaying unavailability of options based upon a previous choice of options.

The Examiner has not asserted, nor do we find that Taylor teaches indicating the unavailability of options based upon a previous choice of options. Accordingly, we do not find that the combination of Fisher and Taylor teach all of the limitations of independent claims 29, 36 and 42. Accordingly, we will not sustain the Examiner's rejection of claims 29 through 48.

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CONCLUSION

As we do not find that the combination of Fisher and Taylor teach all of the claim limitations, we will not sustain the Examiner's rejection of claims 29 through 48 under 35 U.S.C. § 103 (a). The decision of the Examiner is reversed.

REVERSED

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